



ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು

ಸಂಪುಟ - ೧೫೬ Volume - 156	ಬೆಂಗಳೂರು, ಶನಿವಾರ, ೨೦, ಮಾರ್ಚ್, ೨೦೨೧ (ಫಾಲ್ಗುಣ, ೨೯, ಶಕವರ್ಷ, ೧೯೪೨) BENGALURU, SATURDAY, 20, MARCH, 2021 (Phalguna, 29, SHAKAVARSHA, 1942)	ಸಂಚಿಕೆ ೪೨ Issue 42
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ಭಾಗ ೪ಎ

ರಾಜ್ಯದ ವಿಧೇಯಕಗಳ ಮತ್ತು ಅವುಗಳ ಮೇಲೆ ಪರಿಶೀಲನಾ ಸಮಿತಿಯ ವರದಿಗಳು, ರಾಜ್ಯದ ಅಧಿನಿಯಮಗಳು ಮತ್ತು ಆಧ್ಯಾದೇಶಗಳು, ಕೇಂದ್ರದ ಮತ್ತು ರಾಜ್ಯದ ಶಾಸನಗಳ ಮೇರೆಗೆ ರಾಜ್ಯ ಸರ್ಕಾರವು ಹೊರಡಿಸಿದ ಸಾಮಾನ್ಯ ಶಾಸನಬದ್ಧ ನಿಯಮಗಳು ಮತ್ತು ರಾಜ್ಯಾಂಗದ ಮೇರೆಗೆ ರಾಜ್ಯಪಾಲರು ಮಾಡಿದ ನಿಯಮಗಳು ಹಾಗೂ ಕರ್ನಾಟಕ ಉಚ್ಚ ನ್ಯಾಯಾಲಯವು ಮಾಡಿದ ನಿಯಮಗಳು

GOVERNMENT OF KARNATAKA

No: FCS 60 SLF 2020

Karnataka Government Secretariat,
Vikasa Soudha,
Bangalore, dated:18-03-2021

NOTIFICATION

Whereas the Central Government brought the Consumer Protection Act, 2019 (Central Act No.35 of 2019) and given effect from 20-07-2020 and to achieve the objects of Act as vested under Section 102 of the Consumer Protection Act, 2019 the Government of Karnataka drafted the Karnataka Consumer Protection Rules, 2020 and it was published vide Notification NO. FCS 60 SLF 2020, dated: 05.01.2021 in part IVA of the Karnataka Gazette Extraordinary volume 156 issue 1 dated: 07.01.2021 inviting objections and suggestions from all persons likely to be affected thereby within thirty days from the date of its publication in the official Gazette.,

And whereas the said Gazette was made available to public on 07.01.2021.

And whereas the objections and suggestions received in this behalf have been considered by the Government.

Now, therefore, in exercise of powers conferred under section 102 of the Consumer Protection Act, 2019 (Central Act No.35 of 2019), the Government of Karnataka hereby makes the following rules, namely:-

(೪೯೧)

1. Title and commencement.-(1) These Rules may be called the Karnataka Consumer Protection Rules, 2020.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.-(1) In these rules, unless the context otherwise requires, –

- (a) “Act” means the Consumer Protection Act, 2019 (Central Act No.35 of 2019);
- (b) "District Council" means District Consumer Protection Councils;
- (c) “Mediation Cell” means a Consumer Mediation Cell established in accordance with the provisions of section 74;
- (d) “Panel” means a panel of mediators prepared by the State Commission or District Commission under sub-section (1) of section 75;
- (e) “President and Member of the State Commission and District Commission” means as defined in Sub-Section 27 of Section 2 of the Act;
- (f) “rules” means rules made by the Central Government under Section 101 or rules made by the State Government under Section 102 of the Act;
- (g) “Section” means Section of the Act; and
- (h) "State Council" means State Consumer Protection Council.

(2) All other words and expressions used in these rules and not defined but defined in the Consumer Protection Act, 2019 (35 of 2019) shall have the same meanings respectively assigned to them in the Act.

3. Establishment and composition of State and District Consumer Protection Councils.-(1) The State Consumer Protection Councils shall be established by the State Government at state head quarter by notification with an object to render advice on promotion and protection of consumer rights under sub-Section (1) of Section 6 of the Act and the advisory council having following members, namely,-

- (a) The Minister-in-charge of Department of Food, Civil Supplies and Consumer Affairs in the State Government who shall be the Chairperson;
- (b) Two Official members of whom the Secretary in charge of the Department of Food, Civil Supplies and Consumer Affairs and the Registrar-cum-Administrative Officer of the State Consumer Disputes Redressal Commission.

- (c) Four non-official members nominated by State Government by notification, who are working in their individual capacity or through a registered organization as the case may be in the field of consumer activity for not less than five years; and
- (d) Such number of other official or non-official members, not exceeding ten, as may be nominated by the Central Government by notification.

(2) The District Consumer Protection Councils shall be established by the State Government at District level by notification with an object to render advice on promotion and protection of consumer rights under sub-Section (1) of Section 8 of the Act and the advisory council having following members, namely,-

- (a) the Deputy Commissioner of the District who shall be the Chairperson;
- (b) two members from official side i.e., Deputy Director in charge of Food, Civil Supplies and Consumer affairs Department of the concerned District and Asst. Registrar-cum-Asst. Administrative Officer of the concerned District Consumer Disputes Redressal Commission.
- (c) Four members nominated by the State Government on the recommendation of the Deputy Commissioner from non-official side in individual capacity or through a registered organization, who is working in the concerned District limits in the field of consumer activity for not less than five years.

(3) The term of the State and District Council shall be three years,

provided that the State and District Council shall continue to function for a further period of three months or till it is reconstituted, whichever is earlier.

(4) Any Member of the State or District Council, by notice in writing under his hand addressed to the Chairperson of the respective State or District Council, resign from the State or District Consumer Protection Councils as the case may be.

(5) Any vacancy of the member of State or District Council caused for any reason, be filled by a fresh nomination from the same category of members which falls vacant and such new members' term of office shall be for the remaining period only of that original member would have been entitled to hold office.

(6) The State or District Council meeting date, time and place may be fixed by the chairperson and the same shall be communicated to all the members in advance not less than 15 days with agenda of meeting by the State Council or the District Council under sub-Section (3) and (4) of Section 6 and sub Section (3) of Section 8 for the objects to render advice on promotion and protection of consumer rights under the Act within the State and District as provided under section 7 and 9 of the Act, respectively.

(7) The Deputy Secretary in charge of Food, Civil Supplies and Consumer Affairs Department of the state and the Deputy Director of Food, Civil Supplies and Consumer Affairs Department of the concerned District and District Council shall be the convener of the council meeting, respectively.

(8) The meeting proceedings of the State Council shall be communicated to all the Deputy Commissioners of the District and the District Deputy Commissioner shall work according to the directions and submit the progress report **every two months** to the State Council. The Chairperson of the State Consumer Protection Council shall scrutiny the report at the interval of **every two months** and submit progress report to the Central Government regarding effective implementation of the Act.

(9) Every non official member of State Consumer Protection Council and District Consumer Protection Council is entitled to claim rupees 3000/- and rupees 2000/- respectively, towards travelling allowance only for attending meeting irrespective of place where they come. The expenses of the meeting and allowance payable to non-official members shall be drawn from the Consumer Welfare Fund account.

4. Number of Members of the state Consumer Disputes Redressal Commission.-

(1) Under sub Section (3) of section 42 of the Act, the state Consumer Disputes Redressal Commission shall consist of a president and four members of whom one shall be woman and the number of members may be increased to such number in consultation with Central Government.

(2) Number of Members of the District consumer Disputes Redressal Commission, under sub-section (2) of section 28 of the Act, the District Consumer Disputes Redressal Commission shall consist of a President and two Members of whom one shall be woman and the number of members may be increased to such number in consultation with Central Government.

5. Language used in State Commission and District Commission.-The Language used in the State Commission and the District Commission shall be the language of the State Government namely Kannada, however English may also be used as the language.

6. Salary and allowances payable to the President and Members of the State Commission and District Commission.- (1) The President of the State Commission shall receive the salary and other allowances as are admissible to a sitting Judge of High Court of the State.

(2) A Member of the State Commission shall receive a pay equivalent to the pay minimum of the scale of pay of an Additional Secretary to the State Government and other allowances as are admissible to such officer:

Provided that, if a retired District Judge is appointed as member of State Commission he shall receive salary and allowance of super time pay scale of District Judge or the last pay drawn in the super time scale of District Judge reduced by pension:

(3) The President of the District Commission shall be entitled to the salary and allowances as are admissible to a District Judge in the super time scale of pay:

Provided that, if a retired District Judge appointed as President of District Commission he shall receive super time pay scale or the last pay drawn in the super time scale of District Judge reduced by pension.

(4) A Member of the District Commission shall receive pay equal to the pay at the minimum of the scale of pay of a Deputy Secretary of the State Government and other allowances as admissible to such officer.

(5) The salaries of President and Members of District Commission and Members of State Commission may be fixed from time to time as deem fit at reasonable, but it shall not be less than existing pay:

Provided further that, there shall be an annual upward revision of the pay of a President and Member at the rate of three percent.

(6) The President and Members of State and District Commission during the term shall be entitled to leave, leave Travel Concession, Medical treatment and hospital facilities as per the Karnataka State Civil Services Rules applicable from time to time as available to a Group "A" Officer of the State Government.

(7) The salary, allowance and other benefits specified in this rule shall also be extended to the President, Member of the District Commission and Members of the State Commission appointed under the Consumer Protection Act, 1986.

(8) The Leave of President of State Commission shall be sanctioned by the State Government.

(9) The Leave of Members of State Commission, the President and Members of District Commission shall be sanctioned by the President of the State Commission as per Karnataka State Civil Service Rules.

7. The Salary and allowances payable to, and other terms and conditions of service of the officers and other employees of the State and District Consumer Disputes Redressal Commission.- The Salary and allowances payable to, and other terms and conditions of service of the officers and other employees of the State and District Consumer Disputes Redressal Commission shall be as applicable to the State Government Officers and employees equivalent as specified in the **Karnataka State Civil Service Rules** for time being in force and as per the conditions specified under Cadre and recruitment rules of the Karnataka State Consumer and District Commission service as amended from time to time out of the consolidated fund of the State Government.

8. Manner of depositing complaint fee and statutory deposits in appeals.- (1) The fee shall be paid before the State Commission or District Commission as the case may be on filing complaints, in the form of DD drawn in any nationalized Bank favoring "President" in case of District Commission and "Registrar" in case of the State Commission as shown in Annexure-I.

(2) The Statutory deposit of fifty percent of the award amount of the District Commission shall be deposited in the form of DD drawn in any nationalized Bank favoring "Registrar" of the State Commission while preferring an appeal as required under Section 41 of the Act.

Provided that, payment of complaint fee is exempted in case of complaints filed by the Central Government, Central Authority or the State Government as the case may be under clause (d) of sub-section (1) of Section 35 and Section 47 of the Act.

9. Consumer Protection Mediation cell.- (1) (a) Every Mediation Cell set up in a Commission shall have a panel of mediators on the recommendation of a selection committee consisting of the President and a Member of that Commission.

- (b) The Mediation Cell shall have such support staff as may be decided by the President of that Commission in consultation with the State Government and Government shall provide all administrative assistance and infrastructure facilities required by the Commission.
- (c) List of Mediators and necessary registers in the form as specified in annexure-IV shall be maintained by the State Commission and District Commission.

(2) The following Matters shall not be referred to mediation, namely:-

- (a) the matters relating to proceedings in respect of medical negligence resulting in grievous injury or death;
- (b) matters which relate to defaults or offences for which applications for compounding of offences have been made by one or more parties;
- (c) cases involving serious and specific allegations of fraud, fabrication of documents, forgery, impersonation, coercion;
- (d) cases relating to prosecution for criminal and non-compoundable offences; and
- (e) cases which involve public interest or the interest of numerous persons who are not parties before the Commission:

Provided that, in any case other than those mentioned in this rule, the Commission before which the case is pending may choose not to refer it to mediation if it appears to the Commission that no elements of a settlement exist which may be acceptable to the parties or that mediation is otherwise not appropriate having regard to the circumstances of the case and the respective positions of the parties.

(3) The mediation fee has to be fixed by the concerned Bench and respective parties have to deposit the same before concerned commission as stipulated in Consumer Protection (Mediation) Regulation 2020 and the said Regulation shall apply mutatis mutandis before the State and District Commission.

10. Consumer Welfare Fund.- The State Government shall make provision to manage the Consumer Welfare Fund Head of Account to allocate funds for refund of complaint fee if matter is settled through mediation and for creating awareness and imparting consumer education to the general public through the State Commission and to meet the T.A. expenses of non-official members of State Consumer Protection Council and District Consumer Protection Council as provided under Sub Rule (9) of Rule 3.

11. Seal and emblem.-The official seal and emblem of State Commission and District Commission shall be as specified by the State Government.

12. Repeal and savings.-(1) The Karnataka Consumer Protection Rules, 1988 is hereby repealed. In the absence of any specific provision in this Rules to carry out the object of the Act, the provisions of the Act, and its allied Rules and Regulations framed by the Central Government and National Consumer Disputes Redressal Commission shall applies mutatis mutandis.

Provided that the said repeal shall not affect,-

- (a) the previous operation of the said rules or anything duly done or any action taken there under, or
- (b) any right, liability or obligation or liability acquired, accrued or incurred under the said rules.

BY ORDER AND IN THE NAME OF THE
GOVERNOR OF KARNATAKA

(ANWAR BASHA)

Deputy Secretary to Government
Food, Civil Supplies, Consumer Affairs
And Legal Metrology Department.

Annexure-I
(See Rule 8 of Karnataka Consumer Protection Rules 2020)
Complaint Fee Slab

TABLE

Sl.No	Value of goods or services paid as consideration	Amount of fee payable
(1)	(2)	(3)
DISTRICT COMMISSION		
(1)	Upto rupees five lakh	Nil
(2)	Above rupees five lakh and upto rupees ten lakhs	Rs.200
(3)	Above rupees ten lakh and upto rupees twenty lakhs	Rs 400
(4)	Above rupees twenty lakh and upto rupees fifty lakh	Rs.1000
(5)	Above rupees fifty lakh and upto rupees one crore	Rs.2000
STATE COMMISSION		
(6)	Above rupees one crore and upto rupees two crore	Rs.2500
(7)	Above rupees two crore and upto rupees four crore	Rs.3000
(8)	Above rupees four crore and upto rupees six crore	Rs.4000
(9)	Above rupees six crore and upto rupees eight crore	Rs.5000
(10)	Above rupees eight crore and upto rupees ten crore	Rs.6000

Annexure-II**(See Rule 6 (12) of Central Consumer Protection (Appointment) Rules 2020)****Certificate Of Physical Fitness**

I hereby certify that I have examined Shri/Smt./Ms..... and that I have not discovered that he/she has any disease (communicable or otherwise), constitutional weakness or bodily infirmity, except..... I do not consider this a disqualification for his/her for employment as member in the State/District Consumer Disputes Redressal Commission for a period of four years or up to the age of sixty five years, whichever is earlier.

Date.....

Signature of candidate

Signature

Designation
(Civil Surgeon/District
Medical Officer)

Annexure-III**(See rule12 of Central Consumer Protection (Salary Model) Rules 2020)****Form-I**

Oath of Secrecy for the President and Member of the State Commission and District Commission

Form of Oath of Office for the President and Member of the State Commission and District Commission I, A. B., having been appointed as the President/ Member in the State Consumer Disputes Redressal Commission,/District Consumer Disputes Redressal Commission,do solemnly affirm/do swear in the name of God that I will faithfully and conscientiously discharge my duties as the President/Member of the State Commission/District Commission to the best of my ability, knowledge and judgment, without fear or favour, affection or ill-will and that I will uphold the Constitution and the laws of land.

Dated:

Signature

Form-II

Oath of Secrecy for the President and Member of the Consumer Disputes Redressal Commission

I, A. B., having been appointed as the President/Member of the State Consumer Disputes Redressal Commission,/ District Consumer Disputes Redressal Commission, do solemnly affirm/do swear in the name of God that I will not directly or indirectly communicate or reveal to any person or

persons any matter which shall be brought under my consideration or shall become known to me as President/Member of the State Commission/District Commission except as may be required for the due discharge of my duties as the President/Member.

Dated:

Signature

Annexure-IV
(See Rule 9 (C) of Karnataka Consumer Protection Rules 2020)

Form of register of Mediators to be maintained by State and District Commission
(Separate sheet shall be maintained for each Mediators)

Sl.No.	Date of enroll	Name and address of Mediator	Qualification of the Mediator	contact number of the Mediator	Previous experiences	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)

COMPLAINT FORMAT

Model-I

Complaint filed u/s 35 of the Consumer Protection Act, 2019 (For District Commission)

or

Complaint filed u/s 47 of the Consumer Protection Act, 2019 (For State Commission)

Before the State Consumer Disputes Redressal Commission

Or

Before the District Consumer Disputes Redressal Commission

Consumer complaint No. /20

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<div style="border-bottom: 1px solid black; height: 15px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 15px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 15px; margin-bottom: 5px;"></div> <p>(Name, address, Mobile number and email of the Opposite party/ies)</p>	Opposite party/ies

Complaint filed under Section 35 of the Consumer Protection Act, 2019
(For District Commission)

Or

Complaint filed under Section 47 of the Consumer Protection Act, 2019
(For State Commission)

Brief Facts of the Case

Relief

Claimed

Encl: 1) Applicable fee.

2) List of documents.

Complainant

VERIFICATION

I, _____, do hereby state that the facts stated above are true to the best of my knowledge and belief.

Place:

Dated:

Complainant

Model-II

Before the State Consumer Disputes Redressal Commission

Or

Before the District Consumer Disputes Redressal Commission

Consumer Complaint No. /20

<hr/> <hr/> <hr/>	Complainant
<hr/> <hr/> <hr/>	Opposite party/ies

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List of Documents

Sl.No.	Description of the documents	Page No.

Place:

Dated:

Complainant

PR-103